

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

MISTY MARIE HALL,	:	Case No. 1:17-cv-363
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Stephanie K. Bowman
vs.	:	
COMMISSIONER OF SOCIAL	:	
SECURITY,	:	
	:	
Defendant.	:	
	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 13) AND
TERMINATING THIS CASE IN THIS COURT**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on July 23, 2018, submitted a Report and Recommendation. (Doc. 13). Plaintiff filed objections on August 6, 2018. (Doc. 14).¹

¹ After reviewing the Report and Recommendation, Plaintiff's objections, and the case record, the Court finds that Plaintiff's objections are not well taken. Plaintiff raises two objections. The first is that the Report and Recommendation improperly allowed the ALJ to give only partial weight to portions of Dr. Berg's opinion. To the contrary, the Report and Recommendation makes clear that the ALJ's decision provides sufficiently clear and logical consideration of Plaintiff's functional limitations and a mental RFC that clearly considered and incorporated Dr. Berg's opinions. (Doc. 13 at 7–8). The Court agrees. Plaintiff's second objection is that the Report and Recommendation erred in finding that the ALJ fully and adequately accounted for Plaintiff's moderate limitations in concentration, persistence, and pace. The Report and Recommendation notes that the ALJ considered the opinions of two agency consultants and Dr. Berg that assessed Plaintiff with only moderate levels of impairment. (*Id.* at 8). Plaintiff argues that the ALJ failed to follow the state agency opinion that Plaintiff would be limited to only

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that the Report and Recommendation should be and is hereby **ADOPTED** in its entirety.

Accordingly, for the reasons stated above:

- 1) The Commissioner's decision to deny Plaintiff SSI benefits is **AFFIRMED**, as that decision is supported by substantial evidence;
- 2) The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** from the docket of this Court.

IT IS SO ORDERED.

Date: _____

8/23/18

T. Black
Timothy S. Black
United States District Judge

superficial social interactions due to depression, and would be limited in making plans independently. (Doc. 14 at 2). As the Report and Recommendation explains, however, an ALJ is not required to include restrictions in the RFC that the ALJ did not accept. *See Casey v. Sec'y of Health & Human Servs.*, 987 F.2d 1230, 1235 (6th Cir. 1993). The ALJ's logic and rationale were consistent in its review. The Court agrees with the Report and Recommendation that substantial evidence supports the mental RFC as determined.